

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION**

CLERK'S OFFICE U.S. DISTRICT COURT  
AT ROANOKE VA. - FILED  
  
JAN 15 2009  
  
BY: JOHN F. CORCORAN, CLERK  
*S. Craft*, DEPUTY CLERK

TERRY J. MOORE, )  
Plaintiff, ) Case No. 7:08CV00614  
v. )  
CORRECTIONS OFFICER J. MILLER, )  
ET AL., ) FINAL ORDER  
Defendants. ) By: Glen E. Conrad  
                  ) United States District Judge

In accordance with the accompanying memorandum opinion, it is hereby

**ORDERED**

that this civil rights action, pursuant to 42 U.S.C. § 1983, is hereby **DISMISSED** without prejudice, pursuant to 28 U.S.C. § 1915A(b)(1); plaintiff's pending motion for production of documents (Dkt. No. 11) is **DISMISSED** as moot,<sup>5</sup> and the action is **STRICKEN** from the active docket of the court. Plaintiff is hereby notified that dismissal of this action will count as a "strike" against him, pursuant to 28 U.S.C. § 1915(g) and may prevent him from filing future civil actions in federal court without prepayment of the \$350.00 filing fee.

ENTER: This 15<sup>th</sup> day of January, 2009.

George C. Conrad  
United States District Judge

<sup>5</sup> Plaintiff's motion for production is also premature, as no defendants have yet been served in this action. Moreover, plaintiff is not entitled to production of documents in support of claims on which he fails to allege sufficient supportive facts after being directed by the court to do so.